UNITED NATIONS

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SPANISH AND ENGLISH ONLY
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LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

EQUATORIAL GUINEA

Communicated by the Government of Equatorial Guinea

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions

DECREE-LAW No. 3/1993 OF 15 SEPTEMBER PROHIBITING THE PRODUCTION, SALE, USE AND ILLICIT TRAFFICKING OF DRUGS IN THE REPUBLIC OF EQUATORIAL GUINEA

Drug abuse is a very serious public health problem in the entire international community and, therefore, the Republic of Equatorial Guinea, a fully integrated member of that community, whose geopolitical situation makes it vulnerable to use by traffickers, with the result that it cannot maintain a position of detachment from the recommendations of the international organizations specialized in matters relating to illicit drug trafficking, such as the International Narcotics Control Board (INCB), the Commission on Narcotic Drugs of the United Nations Economic and Social Council, the International Criminal Police Organization (ICPO/Interpol) and ECCAS, as well as the relevant legal provisions, including those of our own legal system, the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

Moreover, the trafficking and use of drugs endangers not only the stability of the family, but also the stability of society and, despite the stringent measures adopted in most countries, the situation continues to deteriorate. In order to prevent this global scourge from invading our society we must adopt provisions to control and prohibit the production, use and illicit trafficking of drugs in Equatorial Guinea.

Accordingly, at the proposal of the Ministries of Health, of Justice and Religious Affairs and of Territorial Administration and Local Corporations and the State Secretariat for National Security, following discussion by the Council of Ministers at its meeting on 14 September 1993,

IT IS HEREBY DECREED THAT:

Article 1.

The production, sale, use and trafficking of any type of drug in the Republic of Equatorial Guinea are totally prohibited.

Article 2.

The import, export, sale and use of narcotic drugs and psychotropic substances for medical and scientific purposes shall be authorized by the Ministry of Health, in accordance with current legislation.

Article 3.

The National Pharmaceutical Product Selection Committee shall, pursuant to article 10 of Decree No. 7/1991 of 17 December regulating the pharmaceutical sector, lay down requirements for prescribing and dispensing medicines that contain narcotic drugs and psychotropic substances.

Article 4.

1. Anyone who engages in the cultivation, manufacture, processing, transport, possession, sale, use, donation or trafficking of narcotic drugs or psychotropic substances or who promotes, encourages or facilitates their illegal use, or who possesses them for these purposes, shall be liable to medium-term imprisonment and a fine of between five hundred thousand (500,000) and fifty million, five hundred thousand (50,500,000) CFA francs.

2. Sentences passed by foreign courts of justice for offences that are the same as or similar to those established in this article shall produce for citizens of Equatorial Guinea the same effects as those laid down in article 10, paragraph 15, of the current Penal Code.

Article 5.

1. The penalties mentioned shall be imposed in the maximum degree in cases in which the drugs are supplied to minors or are brought into educational establishments, military units, penitentiary institutions or juvenile rehabilitation facilities, or if the acts are committed in establishments that are open to the public by those in charge of or employed by such establishments, or if the drugs are adulterated or supplied to persons undergoing detoxification treatment or rehabilitation.

2. If the acts mentioned above are committed by a physician or public official, involving abuse of professional position, that person shall be liable to specific disqualification. The penalty, as it relates to physicians, covers medical doctors and qualified health personnel, as well as pharmacists and their subordinates.

Article 6.

If the offender is a foreign national who has immunity, the relevant special legislation shall apply.

ADDITIONAL PROVISIONS

First, the Ministries of Health, of Justice and Religious Affairs, of Economic Affairs and Trade, of National Defence and of Territorial Administration and Local Corporations and the State Secretariat for National Security shall, within a period of three months, set up a national committee with responsibility for defining national policy and coordinating government action to control drugs.

Second, the Ministries of Health and of Justice and Religious Affairs and the State Secretariat for National Security shall be empowered to issue any provisions that may be necessary to improve the implementation of this Decree-Law.

REPEALING PROVISION

Article 433 of the current Penal Code and any provisions contrary to those set out in this Decree-Law are hereby repealed.

FINAL PROVISION

This Decree-Law shall enter into force upon its publication in the national information media.

The foregoing is hereby decreed by the undersigned at Malabo, this fifteenth day of September in the year one thousand nine hundred and ninety-three.

FOR A BETTER GUINEA

(*Signed*)

[Stamp of the President of the Republic of Equatorial Guinea]

OBIANG NGUEMA MBASOGO

PRESIDENT OF THE REPUBLIC